



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)

November 7, 2019

Sent electronically to Evan Merritt at [evanmerritt73@yahoo.com](mailto:evanmerritt73@yahoo.com)

Subject: Complaint regarding Ron Simmons, PDC 56939

Dear Mr. Merritt:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 3, 2019. The complaint alleged that you may have violated RCW 42.17A.555 by using a public agency, office or facilities to support multiple candidates for Commissioner Position 4 of the Snohomish County Fire District 4, and to oppose Mr. Merritt's candidacy.

PDC staff reviewed your allegations; the applicable statutes, rules, and interpretations, including Interpretation 04-02 "Guidelines for Local Government Agencies in Election Campaigns;" and the response provided by Chief Ron Simmons to determine whether a formal investigation or enforcement action is warranted.

Based on staff's review, we found the following:

Allegation One: Use of the office of the fire chief to endorse candidates for commissioner of Snohomish County Fire Protection District 4.

- The complaint alleged that Chief Simmons used the status of his office to endorse several candidates on his personal Facebook page, which clearly identifies him as "Fire Chief of Snohomish County Fire District 4." The complaint further alleged that Chief Simmons' Facebook profile privacy settings are set such that any member of the public can view both the Chief's office as well as his endorsement of several candidates.
- RCW 42.17A.555 states that no elective official nor employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency directly or indirectly to assist a campaign for election of any person to any office.
- Staff's review of the screenshots of postings from the Chief's personal Facebook account sent in with the complaint, found that the screenshots depict Ron Simmons as Fire Chief. However, the Chief's title is not a public facility of Snohomish County Fire Protection District 4. In addition, the Chief's personal Facebook postings were done on his own time, during non-work hours, and were expressions of his personal views, and were not the view(s) of Snohomish County Fire Protection District 4. Also, Chief Simmons' Facebook postings did not involve the use of any facilities of Snohomish County Fire District 4.

Allegation Two: Use of district email to send messages to subordinates to discourage support for a candidate.

- Chief Simmons sent three separate emails, one on June 28, 2019 and two on July 22, 2019. Chief Simmons also sent one Memorandum to staff dated August 9, 2019. In his response to this allegation, Chief Simmons stated, “I acknowledge that I authored each of these communications while on duty and using public resources in my role as Fire Chief. Each of these documents were created solely to address workplace issues and to enforce district policies and were not used directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.”
- The Chief further stated, that “each of the communications were designed to provide direction to employees in a manner consistent with the requirements of my job duties and in a manner that is recognized by the PDC guidelines as appropriate communications for supervisory personnel.”
- Staff’s review found two of the emails to be consistent with the Chief’s role as an administrator charged with addressing workplace issues and enforcing district policies, and did not appear to be used, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office. However, the email dated July 22, 2019 and sent to staff at “15:07” – titled “Election Issue 1,” needed to be worded more carefully and with some degree of restraint. PDC staff will recommend to Chief Simmons that in the future he avoid using wording like he used in the last paragraph in this email, directing staff to “please stay out of the campaign gaming,” because it is important to avoid even the appearance or perception that the Chief, while using public facilities, is directing his staff members to not be involved in election campaigns on their own time, using their own resources.

PDC staff is reminding Chief Simmons about the importance of avoiding even the appearance or perception of using agency facilities to support or oppose candidates for public office by encouraging or limiting support or opposition for candidates.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Erick Agina at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Sincerely,

Endorsed by:

s/ \_\_\_\_\_  
Erick Agina, Compliance Officer

s/ \_\_\_\_\_  
BG Sandahl, Deputy Director  
For Peter Lavallee, Executive Director

cc: Ron Simmons